

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

**MICHELLE HERNANDEZ,**

Plaintiff,

v.

**EMPIRE TODAY, LLC,**

Defendant.

No. EP-19-CV-260-DB

**DECLARATION OF LISA LUJAN**

I, LISA LUJAN, declare as follows:

1. My name is LISA LUJAN. I am over 21 years of age, of sound mind, and capable of making this statement. I have personal knowledge of the matters stated herein because this declaration describes facts and events that I personally observe and have personal knowledge. Every statement herein is true and correct.

2. I worked as a sales representative for Empire Today, LLC for approximately 10 years. Michelle Hernandez was in my team and I am aware of her performance. She was a top performer.

3. I was aware of Michelle Hernandez's pregnancy and that she needed to go to doctor's appointments, as was everyone else on the team. Rita Rae was very upset and annoyed that Michelle Hernandez was going to doctor's appointments. I personally observed Rita Rae harass Michelle Hernandez constantly over her going to the doctor. Everyone in our team, including myself, observed that Michelle Hernandez was discriminated and harassed by Rita Rae because of her pregnancy and sex.

4. We were told that Michelle Hernandez was on FMLA leave when she left work to have her baby. She did not return to work after that date.

5. Michelle Hernandez was replaced with a male employee while she was on leave. Also, after she was terminated, Andre Apperwhite (I believe that is the spelling of his last name), a male in his 30's without any disability, took over her position and replaced her. I remember that during that time, we were only getting male replacements as new hires for that particular team supervised by Ms. Rac. If there was a female added to the team, it was a transfer from another department, but new hires for some time were only males.

6. I have complained to HR in the past for discrimination and they just ignored discrimination or violation of policies and procedures.

Date: October 2, 2020.

A handwritten signature in blue ink that reads "Lisa Lujan" with a small "L" above the "i". Above the signature, there is a large, stylized handwritten "X" and a smaller handwritten "L".

Lisa Lujan